



4. Syndicated data is information collected by companies like Nielsen and GfK. These companies collect information from retailers' scanners at locations like supermarkets and retail establishments and, in some instances, create estimates based on a combination of scanner, audit, and modeled projections. The companies then aggregate these data and make them available to third parties for purchase using a licensing/subscription model.

5. Companies use these data for a variety of business planning and tracking purposes, such as to assess a product's relative success in a market, or at specific retail chains. In my experience, syndicated data, including data aggregated by Nielsen and GfK, is widely used across the petcare industry and other industries in order to gain insight into consumer purchases of products. Nutro and Mars Specialty rely on syndicated data from Nielsen and GfK every day as part of their ordinary course of business.

6. GfK collects data from a robust sample of petcare retailers, making it a reliable source of information about various products' overall market share. I do not use Nielsen data to analyze market share for any petcare products because Nielsen currently collects and reports data from only one petcare retailer. However, Nielsen data is useful for other purposes.

7. In particular, in addition to collecting data from scanners at retail establishments, Nielsen also collects data from scanners placed in tens of thousands of consumers' homes across the United States. We refer to these data as "Panel" data.

8. Nielsen selects consumer households for the Panel in order to obtain a statistically representative sample of the United States population as a whole. In order to participate, each selected household must provide Nielsen with demographic and other information. For example, each household must indicate whether it owns a dog. Nielsen then places scanners in each household, which are used to scan the barcodes of all retail items purchased by members of the

household. These data can then be used to link demographic and other information about households to the purchase of specific retail products.

9. In my experience, Nielsen Panel data is the widely accepted industry-standard source for demographic and other information about the purchasers of retail products.

**B. Categorization of Products by GfK and Nielsen.**

10. Both GfK and Nielsen organize data into product categories. These categories are identified in consultation with members of each industry who subscribe to GfK and/or Nielsen data sets. In my experience, GfK's and Nielsen's product categories generally reflect the consensus view of the relevant industry on how different products should be categorized.

11. Both GfK and Nielsen Panel data identify canine products that are treats and provide a dental benefit, which I refer to as "Oral/Dental Care Dog Treats." Greenies and Whimzees fall within this classification in both databases. Both data providers have almost one hundred different brands of products that bear this classification.

12. Although there are a few rawhide products that claim to provide dental benefits—[REDACTED]—most rawhide treats are not used primarily for dental care and are instead occupational products, *i.e.*, products designed to occupy and amuse dogs. Nielsen tracks the sale of these rawhide treats; GfK does not. Nielsen includes rawhide treats that provide dental benefits in the "Oral/Dental Care Dog Treats" classification.

**C. Dental Chew Market Share.**

13. Persons working under my direction queried Nutro's GfK database to determine the relative market share of Greenies, Whimzees, and other competing canine dental chews for the past twelve months. My team calculated market share based on dollar sales figures for each brand.

15. The following are the relative dollar sales market shares of all brands of products classified by GfK as “Oral/Dental Care Dog Treats” during the twelve-month period ending on June 30, 2015:

16. As explained above, this information does not include rawhide products that claim to provide dental benefits, because GfK does not track sales of those products. Including those products would thus decrease the absolute market shares for each of the products set forth above. However, neither Greenies nor Whimzees have any rawhide products. The addition of rawhide

products would therefore not affect the relative difference between Greenies' and Whimzees' market shares.

**D. Percentage of Dog Owners Who Buy Dental Chews.**

17. Persons working under my direction queried Nielsen Panel data to estimate the percentage of dog owners that buy dental chews.

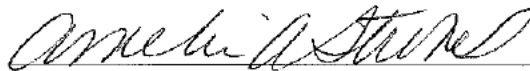
18. Ordinarily, when analyzing the dental chew market, I exclude from my analysis rawhide treats that fall within Nielsen's "Oral/Dental Care Dog Treats" classification. I consider rawhide treats to be a different category of product than Greenies, Whimzees, and other non-rawhide dental chews. However, for the purpose of this declaration, I am providing both (a) the estimated percentage of dog owners that bought non-rawhide dental chews, and (b) the estimated percentage of dog owners that bought non-rawhide and/or rawhide dental chews.

19. According to Nielsen Panel data, approximately [REDACTED] that own dogs bought at least one canine product categorized as a non-rawhide "Oral/Dental Care Dog Treats" in the 52-week period ending on July 25, 2015.

20. According to Nielsen Panel data, approximately [REDACTED] that own dogs bought at least one canine product categorized as "Oral/Dental Care Dog Treats" (including rawhides) in the 52-week period ending on July 25, 2015.

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Executed on August 26, 2015.

  
Amelia Strobel